UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,866	08/18/2000	Charles E. Bernasconi	087354-0108	7547

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EXAMINER
RAPILLO, KRISTINE K

ART UNIT	PAPER NUMBER
3626	

MAIL DATE	DELIVERY MODE
08/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	09/641,866	BERNASCONI ET AL.
Office Action Summary	Examiner	Art Unit
	KRISTINE K. RAPILLO	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *7/28/2009*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *89-92,98-110,113,114 and 121-140* is/are pending in the application.
     4a) Of the above claim(s) *1-88; 93-97, 111-112, 115-120* is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *89-92,98-110,113,114 and 121-140* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *18 August 2000* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some *   c) ☐ None of:
         1. ☐ Certified copies of the priority documents have been received.
         2. ☐ Certified copies of the priority documents have been received in Application No. _____.
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/30/2004; 11/4/2004; 5/21/2007; 9/26/2008; 3/12/2009.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment filed July 28, 2009. Claims 1 - 88, 93 - 97,

111 – 112, and 115 – 120 were previously cancelled. Claims 123 and 132 are amended. Claims 89 –

92, 98 – 110, and 113 – 114, and 121 - 140 are presented for examination.

Claim Rejections - 35 USC § 112

2.   The 35 U.S.C. 112, second paragraph rejections of claims 123 and 132 are hereby withdrawn

based upon the amendment submitted July 28, 2009.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

4.   Claims 89 – 91, 98 – 101, 103, 105 – 106, 108, 121 – 122, and 123 - 140 are rejected under 35

U.S.C. 103(a) as being unpatentable over Clark et al., herein after Clark (U.S. Patent Number 5,164,897)

in view of Donnelly et al., herein after Donnelly (U.S. Publication Number 6,049,776), in view of Rogers

(Beth Rogers. What's New. HRMagazine. Alexandria: Apr 1998. Vol. 43, Iss. 5; pg. 203, 4 pgs.), further

in view of McGovern et al., herein after McGovern (U.S. Patent Number 5,978,768).

     In regard to claim 123 (Currently Amended), Clark teaches a system comprising: one or more

electronic databases having information about a plurality of open positions and qualifications for the open

positions, and qualifications of a plurality of workers (column 2, lines 29 – 65; column 5, lines 9 – 23; and, column 16, line 43 through column 17, line 12 where Clark discloses an open job requirement file which contains job criteria - the Examiner equates job criteria to job qualifications or requirements, employee qualifications – i.e. experience, skills, and open job positions); one or more computers configured for filtering to determine, for each of a plurality of the respective workers, one or more of the open positions in the one or more databases for which the respective worker is qualified (column 5, lines 9 – 23 and column 16, line 43 through column 17, line 12 where Clark discloses a system in which a database search is conducted by comparing the skills and qualifications of a potential employee to the job requirements/criteria; thus filtering the prospective workers qualifications by only selecting those workers who match the requirements of the job); the one or more computers configured for updating electronically the information in the one or more databases to include information on the new open position (column 9, line 60 through column 10, line 18); and the one or more computers configured for assigning the new open position, after the expiration of the specified time period, to one of the qualified workers for which the new open position is made available for selection in immediate response to receipt of an electronic selection of the new open position from that qualified worker (column 7, lines 57 – 67). Clark fails to explicitly disclose immediate response, but this feature is disclosed by Donnelly, as described below.

Donnelly teaches a system comprising an immediate response to an electronic receipt of a position selection (column 13, lines 8 – 35) where Donnelly discloses a resource management system which contains a database with information on employees, employee skills, schedules, and projects. The system offers a calendar function which tracks and assigns consultants (i.e. workers) to projects and receives real-time (i.e. immediate) updates based on the calendar such as availability of an employee.

Rogers teaches a system comprising the one or more computers configured for posting a plurality of web pages, with each different respective web page in this plurality associated only with a different one of the respective workers and accessible by a respective worker code, wherein, for each respective worker web page associated only with the respective worker, the posting comprising posting one or more of the open positions for which the respective worker is qualified (Paragraph 16) and the one or more

computers configured for notifying the one or more preferred workers that the new open position is now available for selection by at least posting information about the new open position to each of the respective one or more worker web pages associated only with the one or more respective preferred workers (paragraph 16).

McGovern teaches a system comprising:

the one or more computers configured for obtaining information about a new open position (Figures 3 and 8; column 9, lines 18 – 26) where McGovern discloses entering job description information;

the one or more computers configured for obtaining information about one or more of the workers that are preferred ("a preferred worker") for the new open position (Figure 29; Abstract; column 9, lines 41 – 55; column 17, lines 44 – 67; column 18, lines 1 - 10; and, column 18, lines 23 – 38) where McGovern discloses a system of displaying a list of received resumes (the Examiner equates the resumes to information about one or more workers) and display a selected resume (the Examiner equates the selected resume to that of a preferred worker) whose qualifications and skills fit the open position;

the one or more computers configured for automatically assigning the new open position only to one of the one or more preferred workers during a specified time period, in immediate response to receipt of an electronic selection of the new open position from one of the one or more preferred workers and substantially immediately removing the position as an available for selection open position (Figure 6; column 8, lines 14 - 26; and, column 10, line 66 through column 11, line 18) where McGovern discloses a system of deleting or deactivating the position from the database/web site; and,

the one or more computers configured for automatically making available for selection the new open position to one or more additional respective worker web pages associated only with one or more additional respective workers that are qualified, if one of the one or more preferred workers has not selected the new open position before expiration of the specified time period (column 3, lines 20 – 33; column 9, lines 41 – 55; and column 11, lines 1 - 7) where McGovern discloses providing a time frame for which an open position is available, after the time frame has expired the position is no longer available.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the one or more computers configured for obtaining information about a new open position; the one or more computers configured for obtaining information about one or more of the workers that are preferred ("a preferred worker") for the new open position; the one or more computers configured for automatically assigning the new open position only to one of the one or more preferred workers during a specified time period, in substantially immediate response to receipt of an electronic selection of the new open position from one of the one or more preferred workers and substantially immediately removing the position as an available for selection open position, and the one or more computers configured for automatically making available for selection the new open position to one or more additional respective worker web pages associated only with one or more additional respective workers that are qualified, if one of the one or more preferred workers has not selected the new open position before expiration of the specified time period as taught by McGovern, within the system of Clark, Donnelly, and Rogers, with the motivation of providing a method and apparatus to organize and screen job seekers on a computerized network, and to notify a job seeker when a suitable position is available (column 3, lines 55 – 65).

In regard to claim 89 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123. Clark teaches a system wherein the one or more computers are configured to post on each web page associated only with a respective one of the workers only open positions for which the respective one worker is qualified and for which the position is currently available for selection to the one worker to accept (Figure 9; column 16, line 67 through column 17, line 12).

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include posting open positions on a web page for a respective worker as taught by Rogers, within the system of Clark, Donnelly, and McGovern, with the motivation of providing a tool in which job seekers can manage job search activities (paragraph 16).

In regard to claim 90 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123. Clark teaches a method wherein the one or more computers are configured to post to each respective web page associated only with a respective one of the workers only the open positions that the respective one worker is qualified to fill (Abstract; Figure 9; column 7, lines 59 – 65).

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 89, and incorporated herein.

In regard to claim 91 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123. Clark teaches a system further comprising: the one or more computers configured to filter out for a respective one of the workers one or more open positions for which the respective one worker has been rejected (Abstract and column 4, line 55 through column 5, line 20). Clark fails to explicitly teach filtering open positions for a worker.

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

McGovern teaches a system comprising filtering open positions for a worker (Abstract; Figures 33 and 34; and, column 3, lines 55 – 60) and the one or more computers configured to post to the respective web page associated only with the respective one worker only the open positions that the respective one worker is qualified to fill and that have not been filtered out for the respective one worker (column 18, lines 30 – 38).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 123, and incorporated herein.

In regard to claim 101 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the method of claim 132. Clark teaches a method further comprising allowing access to the respective web

page associated only with a respective one of the workers in response to receiving at least one pass code and verifying the received at least one pass code (column 2, lines 66 – 68).

In regard to claim 103 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123. Clark teaches a system with the one or more computers configured so that each web page associated with a respective one of the workers posts only the open positions that the respective one worker is qualified to fill and has not been rejected by a worker whose absence creates the specific open position (Abstract and column 4, line 55 through column 5, line 20). Clark does not explicitly teach a web page, however, this deficiency is disclosed by McGovern.

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 89, and incorporated herein.

In regard to claim 105 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

McGovern teaches a system with the one or more of computers configured to post information about the new open position to the one or more respective web pages associated only with the one or more respective preferred workers during the specified time period (Figures 10, 13, 11, and 14; column 7, lines 19 – 30; column 10, lines 47 – 65; and, column 16, lines 1 - 4).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 123, and incorporated herein.

In regard to claim 109 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

McGovern teaches a system with the one or more of computers further configured to notify the one or more preferred workers via e-mail or e-pager (Abstract; column 3, lines 61 – 65; column 4, lines 31 – 44; and claims 8 and 27).

The motivation to combine the teachings Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 123, and incorporated herein.

In regard to claim 121 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

McGovern teaches a system further comprising means for notifying electronically the one or more preferred workers about the new open position (column 4, lines 31 – 44).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 123, and incorporated herein.

In regard to claim 124 (Previously presented), Clark, Rogers, and McGovern teach the system of claim 123.

McGovern teaches a system wherein the one or more computers are further configured for receiving information designating one or more of the workers as the one or more preferred workers for the new open position (Figure 29; column 3, lines 55 – 60; column 9, lines 41 – 55; column 17, lines 44 - 67; and column 18, lines 1 - 38).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 123, and incorporated herein.

In regard to claim 125 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

McGovern teaches a system further comprising the one or more computers configured for specially marking the new open position on the respective web pages associated only with the one or more respective preferred workers, so that on each respective web page associated only with one of the respective preferred workers, the new open position is differentiated from other open positions listed on that respective web page associated only with the one respective preferred worker (Figure 31 and column 17, lines 44 – 58).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 123, and incorporated herein.

In regard to claim 126 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

McGovern teaches a system further comprising the one or more computers configured for posting or otherwise electronically communicating a confirmation number to the worker in response to receiving the electronic selection of the new open position from the worker (Figures 7 and 35; column 4, lines 39 – 44) where electronic communication can be sent via the computer. The electronic message disclosed by McGovern can include a confirmation number.

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 123, and incorporated herein.

In regard to claim 127 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

Clark teaches a system further comprising the one or more computers configured for filtering to prevent posting of one of the open positions to one of the respective worker web pages based on one or more preferences associated with the respective worker in the one or more databases (column 5, lines 9

– 23 and column 16, line 43 through column 17, line 12). Clark does not explicitly teach posting open positions to worker web pages, however, this deficiency is cured by Rogers.

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 92, and incorporated herein.

In regard to claim 128 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123. Clark teaches a system further comprising the one or more computers configured for filtering to prevent posting of one of the open positions to one of the respective worker web pages based on the position not being available for selection to the respective worker (column 5, lines 9 – 23 and column 16, line 43 through column 17, line 12). Clark does not explicitly teach posting open positions to worker web pages, however, this deficiency is cured by Rogers.

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 92, and incorporated herein.

In regard to claim 129 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123. Clark teaches a system further comprising the one or more computers configured for filtering to prevent posting of any open position to the respective web page of any respective worker that is not qualified to fill the open position (column 5, lines 9 – 23 and column 16, line 43 through column 17, line 12). Clark does not explicitly teach posting open positions to worker web pages, however, this deficiency is cured by Rogers.

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 92, and incorporated herein.

In regard to claim 130 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

McGovern teaches a system further comprising the one or more computers configured for posting of the new open position only to the one or more respective web pages associated with the one or more respective preferred workers during the specified period of time (Figure 36).

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 123, and incorporated herein.

In regard to claim 131 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

Rogers teaches posting open positions on a web page for a respective worker (paragraph 16).

McGovern teaches a system wherein the one or more computers are configured for automatically making available for selection the new open position to a plurality of additional respective worker web pages associated only with a plurality of additional respective workers that are qualified, if one of the one or more preferred workers has not selected the new open position before expiration of the specified time period (Figure 7 and column 17, lines 44 - 58) where a score is assigned ranking the candidates resume, thus providing the user with a listing of qualified candidates..

The motivation to combine the teachings of Clark, Donnelly, Rogers, and McGovern is discussed in the rejection of claim 123, and incorporated herein.

Method claims 98 - 100, 106, 108, 122, and 132 - 140 repeat the subject matter of system claims 89 – 91, 103, 105, 109, 121, and 123 - 131 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 89 – 91, 103, 105, 109, 121, and 123 - 131have been shown to be fully disclosed by the teachings of Clark, Donnelly, Rogers, and McGovern in the above rejections of claim 89 – 91, 103, 105, 109, 121, and 123 - 131, it is readily apparent that the system disclosed by

Clark, Donnelly, Rogers, and McGovern perform these steps. As such, these limitations (98 - 100, 106, 108, 122, and 132 - 140) are rejected for the same reasons above for the system claims 89 – 91, 103, 105, 109, 121, and 123 - 131, and incorporated herein.

5.   Claims 92, 102, 104, 107, and 113 – 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al., herein after Clark (U.S. Patent Number 5,164,897) in view of Donnelly et al., herein after Donnelly (U.S. Publication Number 6,049,776), in view of Rogers (Beth Rogers. What's New. HRMagazine. Alexandria: Apr 1998. Vol. 43, Iss. 5; pg. 203, 4 pgs.), further in view of McGovern et al., herein after McGovern (U.S. Patent Number 5,978,768) as applied to claim 123 above, and further in view of Thompson (U.S. Patent Number 6,334,133).

In regard to claim 92 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

Thompson teaches a system wherein the workers are substitute teachers (column 8, lines 14 - 63).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein the workers are substitute teachers, as taught by Thompson, within the system of Clark, Donnelly, Rogers, and McGovern, with the motivation of providing a computerized tool for the placement of potential employees (column 10, liens 32 – 41).

In regard to claim 104 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

Thompson teaches a system with the one or more of computers further configured to receive an administrative designation of a worker who has accepted an open position at a location, for another open position at the same location for a different day (column 4, lines 65 through column 5, line 4 and column

10, lines 8 - 20) where acceptance of a position, regardless of the location is documented. The summary of position acceptance will list the locations of positions accepted (Figures 10 and 12).

The motivation to combine the teachings Clark, Donnelly, Rogers, McGovern, and Thompson is discussed in the rejection of claim 92, and incorporated herein.

In regard to claim 113 (Previously presented), Clark, Donnelly, Rogers, and McGovern teach the system of claim 123.

Thompson teaches a system with the one or more of computers further configured to post an assignment of the new open position automatically after receiving an electronic acceptance of the specific open position from one of the one or more preferred workers (column 4, lines 65 through column 5, line 4).

The motivation to combine the teachings of Clark, Donnelly, Rogers, McGovern, and Thompson is discussed in the rejection of claim 92, and incorporated herein.

Method claims 102, 107, and 114 repeat the subject matter of system claims 92, 104, and 113 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 92, 104, and 113 have been shown to be fully disclosed by the teachings of Clark , Donnelly, Rogers, McGovern, and Thompson in the above rejections of claim 92, 104, and 113, it is readily apparent that the system disclosed by Clark, Donnelly, Rogers, McGovern, and Thompson perform these steps. As such, these limitations (102, 107, and 114) are rejected for the same reasons above for the system claims 92, 104, and 113, and incorporated herein.

Response to Arguments

6.   Applicant's arguments filed July 28, 2009 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed July 28, 2009.

7.   In response to the affidavit submitted July 28, 2009, the Examiner respectfully recognizes the term "immediate response" and has interpreted "immediate response" to be a real-time response. This feature has been addressed in the above Office Action.

8.   In regard to the applicant's arguments of claim 123 regarding (a) web pages, with each different respective worker web page associated with only the respective worker, (b) providing a system where receipt of an electronic acceptance from a worker automatically assigns the position to the accepting work, immediately and without further decision-making processing, and (c) time availability, by computer of open positions to those respective web pages, will be addressed below in the order in which they appear.

9.   (a) The Examiner respectfully submits that web pages, with each different respective worker web page associated with only the respective worker is taught by Rogers, not Clark, as stated on page 14 of the amendment dated July 28, 2009. Rogers discloses Jobs, Inc. (www.hotjobs.com) which includes password protection for individual home pages (paragraph 16).

10.   (b) The Examiner respectfully submits that providing a system where receipt of an electronic acceptance from a worker automatically assigns the position to the accepting work, immediately and without further decision-making processing is taught by McGovern, not Clark, as stated on page 14 of the amendment dated July 28, 2009. McGovern discloses filling the position (thus implying the position was accepted by a worker) and deactivating the position manually or automatically (column 10, line 66 through column 11, line 7). Immediate response is addressed in the above Office Action.

11.   (c) The Examiner has addressed the limitation regarding time availability, by computer of open positions to those respective web pages above.

12.   The Applicant argues that there is a lack of motivation for the combination of the Clark, Rogers, and McGovern references. The Examiner respectfully submits that the Clark reference teaches an automated method of matching personnel to job criteria on a computer (Abstract), Rogers teaches password protected personal web pages for individuals (paragraph 16), McGovern teaches a computerized employment recruiting tool which screens resumes, performs qualification matches and

notifies job seekers of matches (column 3, lines 55 through column 4, line 44), and Donnelly teaches a resource management system which performs searches and scheduling to identify personnel with appropriate skill and qualifications for assignments to projects (Abstract). In addition, the key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.'" *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396. An example of rationale that may support a conclusion of obviousness include: (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention See MPEP § 2143. Furthermore, if the search of the prior art and the resolution of the *Graham* factual inquiries reveal that an obviousness rejection may be made using the familiar teaching-suggestion-motivation (TSM) rationale, then such a rejection should be made. Although the Supreme Court in *KSR* cautioned against an overly rigid application of TSM, it also recognized that <u>TSM was one of a number of valid rationales</u> <u>that could be used to determine obviousness</u>. (According to the Supreme Court, establishment of the TSM approach to the question of obviousness "captured a helpful insight." 550 U.S. at ___, 82 USPQ2d at 1396 (citing *In re Bergel*, 292 F.2d 955, 956-57, 130 USPQ 206, 207-208 (1961))**.**

Conclusion

13.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can

normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke

Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this

application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-

1000.

KKR

/C. Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626